

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

RIO PIEDRAS EXPLOSION
LITIGATION

Consolidated Case
Civil No. 96-2443(HL)

ORDER

In order to promote the expeditious disposition of pending matters within the above captioned case, it is now determined and **ORDERED** as follows:

A. Docket Entries

The docket entries do reflect that there are only five (5) motions pending disposition. These are **Docket Entries No. 3655, 3703, 3707, 3710 and 3713**. These motions were filed between December 2002 and February 17, 2004. In regards to the petitions for disbursement of funds alluded to in **Docket Entries No. 3655, 3703, 3707 and 3713**, evidentiary hearings have been held. All relate to the request for reimbursements of certain amounts that the plaintiffs understand were improperly charged or deducted from their settlement amounts by their counsel Nelson Rochet. A related Order was issued on January 20, 2004 (**Docket No. 3711**). A Report and Recommendation is to be issued on the matter of attorney's fees.

Meanwhile, in order to have a proper allocation of said funds and those funds consigned at BANCO SANTANDER, it is now determined as follows:

BANCO SANTANDER is ORDERED to submit within the next twenty (20) working days (due: June 14, 2004) detailed information regarding the total amounts, per plaintiff, that were consigned or deposited with the Clerk of Court as it pertains to Attorney Nelson Rochet's attorney fees, litigation costs and expenses and any other

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amounts (i.e., interest) included within the funds so transferred to the Clerk of Court. (See Docket No. 3663: Order dated December 23, 2002, Judge Robert J. Ward, ordering freezing of attorney fees).

The Clerk of Court, through the Finance Division, is to submit a financial report itemizing: total funds consigned in Court, concept/nature of said deposits; amounts per plaintiff or claimant; and interests accrued since the time said funds were consigned with the Clerk of Court.

B. Accounts Under Custody of Banco Santander

The record reflects that under the custody and control of Banco Santander there exist the following accounts:

- 80-72-0 Río Piedras Explosion Escrow Account¹
- 80-72-03 Río Piedras Explosion Retention of 5% Account²
- 80-72-04 Río Piedras Explosion Retention of 10% Account³
- 80-72-06 Río Piedras Explosion Global Settlement Amount⁴
- 80-72-07 Río Piedras Explosion Rochet Santoro Account

Accordingly, BANCO SANTANDER is **ORDERED** to submit, **within the next twenty (20) working days (due: June 14, 2004), PER ACCOUNT**, the following information:

¹ Private Settlement Escrow Account.

² Percentage to be deducted from the plaintiffs' settlement amounts to cover litigation costs and expenses incurred by Plaintiffs Steering Committee (PSC).

³ Percentage deducted to pay for the attorney fees of the attorneys providing services under the PSC.

⁴ Wherein Enron Corp. originally deposited the global settlement amount of \$28 million.

1. Current balance (as of May 1, 2004).
2. Administrative charges deducted.
3. Interests accrued.

In regards to Account No. 80-72-07 (Rochet Santoro Account), BANCO SANTANDER is instructed to submit an itemization of the amounts paid to Attorney Rochet Santoro per category (i.e., attorney's fees, costs and expenses) and the amounts already paid to his clients or yet pending disbursement, per plaintiff.

In addition, BANCO SANTANDER will provide:

1. A list, per plaintiff, per account, of all settlement amounts paid.⁵
2. A list, per plaintiff, per account, of all settlement amounts deposited but still unclaimed or unpaid (if pending completion of legal requisites).

C. Account for Plaintiffs Steering Committee

Mr. Héctor Manuel Sánchez-Moll (hereafter "Sánchez-Moll"), CPA, in charge of the accounting for PSC, is requested to submit **within the next twenty (20) working days (due: June 14, 2004)**, a listing of all pending matters which are subject to either court action, identification of parties or compliance by counsel with legal requirements.

D. Plaintiffs Steering Committee

The PSC is instructed to report **on or before June 14, 2004**, any pending issues and concerns in terms of any settlement amounts pending distribution, interests accrued, individual plaintiff's claims, attorney's fees and related matters.

⁵ There are amounts paid from either the Private Settlement Escrow or Global Settlement Accounts.

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Once BANCO SANTANDER submits the reports herein requested, CPA Sánchez-Moll will be given reasonable time to review such records and meet with Bank representatives, if necessary.

In a similar fashion, once the final amounts per account and final pending payments are identified, a meeting with lead counsel for the parties will be scheduled.

Copy of this Order is to be served upon Banco Santander, the attorneys for Enron Corporation, members of the PSC, and CPA Héctor Sánchez-Moll.

SO ORDERED.

At San Juan, Puerto Rico, this 14th day of May, 2004.



**S/AIDA M. DELGADO-COLON
U.S. Magistrate-Judge**